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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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~~FEDERAL COMMUNICATIONS COMMISSION~~
~~OFFICE OF THE SECRETARY~~

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Fletcher, Asheville, and
Old Fort, North Carolina)

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)
)
)
)

MM Docket No. _____
RM - _____

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

BLUE DOLPHIN COMMUNICATIONS OF NC, INC.
CLEAR CHANNEL BROADCASTING LICENSES, INC.
CAPSTAR TX LIMITED PARTNERSHIP

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TABLE OF CONTENTS

	Summary	ii
I.	Fletcher, North Carolina	2
	A. Technical Analysis	2
	B. Change in Community of License	2
II.	Surgoinsville, Tennessee and Augusta, Georgia	10
III.	WKSF, Asheville/Old Fort, North Carolina	11
IV.	Conclusion	12

SUMMARY

Blue Dolphin Communications of NC, Inc., Clear Channel Broadcasting Licenses, Inc. and Capstar TX Limited Partnership, as joint petitioners, request the reallocation of Channel 28.2A, Station WQNC from Old Fort, North Carolina to Fletcher, North Carolina as a first local service. Old Fort will continue to receive local service due to the proposed reallocation of Channel 26.0C, Station WKSF, from Asheville, North Carolina to Old Fort, North Carolina, licensed to Capstar. The provision of a first local service to Fletcher is preferable to the retention of a seventh service at Asheville. No change in site is required for WKSF and therefore there will be no delay in replacing the Old Fort service once WQNC is ready to relocate.

Two transmitter site changes for stations in Surgoinsville, Tennessee and Augusta, Georgia are required. The Surgoinsville licensee has submitted a consent statement. The Augusta licensee, Clear Channel, is one of the petitioners herein.

The proposal will provide a first local service to Fletcher, eliminate two pre-existing short spacings and offer an overall net gain in reception service.

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FM Broadcast Stations)	RM - _____
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To: Chief, Allocations Branch
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PETITION FOR RULE MAKING

Blue Dolphin Communications ("Blue Dolphin"), licensee of Station WQNQ-FM, Old Fort, North Carolina, Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of WBBQ-FM, Augusta, Georgia, and Capstar TX Limited Partnership ("Capstar"), licensee of WKSF(FM), Asheville, North Carolina (together, "Petitioners"),¹ by their counsel, hereby request that the Commission amend the FM Table of Allotments to delete Channel 282A at Old Fort, North Carolina and allot Channel 282A at Fletcher, North Carolina as that community's first local service. If the Petition is granted, Blue Dolphin will file an application to modify the license of WQNQ to specify operation on Channel 282A at Fletcher, North Carolina. To avoid loss of service at Old Fort, Capstar has agreed to change the community of license of WKSF from Asheville to Old Fort. Accordingly, the net result of this petition will be a loss of a seventh local service at Asheville and the gain of a first local service at Fletcher, a preferential arrangement of allotments. In support hereof, Petitioners state as follows:

-
1. Capstar and Clear Channel are affiliated companies. The parent corporation holds an option to purchase WQNQ and therefore will implement the changes proposed herein.

I. FLETCHER, NORTH CAROLINA

A. TECHNICAL ANALYSIS

1. As demonstrated in the Engineering Statement (Exhibit A), Channel 282A can be allotted to Fletcher, North Carolina at coordinates 35° 32' 28" North Latitude, 82° 32' 32" West Longitude consistent with Section 73.207 of the Commission's Rules, provided that transmitter site changes are made at Surgoinsville, Tennessee and Augusta, Georgia. *See* Figure 1A. Under this proposal, Petitioner will eliminate two current short spacings with WEYE, Surgoinsville and WBBQ, Augusta. *See* Figure 1B. A 70 dBu signal can be provided to Fletcher from the proposed reference point. *See* Figure 2.

2. The relocation of WQNQ to Fletcher will result in a net gain in population of 73,881 persons able to receive a 60 dBu signal from the station, while the area served remains approximately the same size. *See* Figure 3. In addition, except for a small uninhabited area, the loss area will continue to be served by five aural services. *See* Figure 3. A listing of the broadcast stations which provide service to the residents within the loss area is provided. *See* Exhibit A, Technical Narrative.

B. CHANGE IN COMMUNITY OF LICENSE

3. Petitioners desire to change the community of license of WQNQ from Old Fort to Fletcher to provide a first local service under the prerequisites set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License*"). First, the proposed use of Channel 282A at Fletcher is mutually exclusive with the current use of Channel 282A at Old Fort. *See* Figure 1. Second, the Fletcher proposal is preferred under the Commission's priorities, since Fletcher would receive a first local

service. Although WQNQ is Old Fort's only local service, Old Fort would retain local service because Capstar has agreed to change the community of license of Station WKSF from Asheville to Old Fort as part of this proposal. The comparison that results is the provision of a first local service at Fletcher (Priority 3) vs. a seventh local service at Asheville (Priority 4). *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

4. Fletcher is within the Asheville Urbanized Area. This implicates the Commission's policy concerning the potential migration of stations from underserved rural areas to well-served urban areas. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995). In making the determination whether to award an urbanized community a first local service preference, the Commission will consider the extent the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the independence of the suburban community. *Id.* In judging the independence of the community, the Commission indicated it would be guided by the criteria set forth in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988), to determine whether the community is independent from the urban hub. In this case, from the proposed transmitter site, WQNQ will place a 70 dBu contour over 76 percent of the Asheville Urbanized Area. Fletcher, located in Henderson County, is 17 kilometers away from Asheville, located in Buncombe County. The 2000 Census population of Fletcher (4,185) is 6 percent of the population of Asheville (68,889). These figures are similar to those of other suburban communities granted a first local preference. *See, e.g., Anniston, Alabama*, DA 01-333 (rel. Feb. 9, 2001) and cases cited therein. In any event, these factors are less important than evidence of independence. *Id.*

5. Under *Tuck*, the Commission will consider eight factors in assessing the independence of a specified community: (1) the extent to which the community residents work in

the larger metropolitan area, rather than the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) whether the community has its own commercial establishments, health facilities, and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising market; and (8) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries. *Tuck*, 3 FCC Rcd at 5378. All eight factors need not favor the applicant; however, if a majority of the factors demonstrate that the specified community is distinct from the urbanized area, the Commission will treat it as an independent community. *Id.*; *Parker and Port St. Joe, Florida*, 11 FCC Rcd 1095, ¶¶ 9-11 (1996) (finding that the proposed community was independent, although it lacked its own telephone directory and local newspaper, and was included in the urbanized area's market by Arbitron); *accord Jupiter and Hobe Sound, Florida*, 12 FCC Rcd 3570, ¶ 3 (1997) (citing *Parker and Port St. Joe, Florida*).

6. In this case, the evidence presented, evaluated in light of Commission precedent in other change of community allocation proceedings, abundantly supports a finding that Fletcher is independent from Asheville, North Carolina.

(1) *Extent to Which the Residents of Fletcher Work in the Town of Fletcher.* According to the 1990 U.S. Census, the population of the Town of Fletcher was 2,787. Based on the 2000 U.S. Census, the current population for the Town is 4,185. Approximately 30%

of the residents of Fletcher work in the Town of Fletcher, according to Allan Corthell, Fire Marshal and Zoning Administrator for the Town of Fletcher. *See Coolidge & Gilbert, Arizona*, 11 FCC Rcd 3610 (1996). Some of the major employers within the Town of Fletcher are: Steelcase International, a manufacturer of wood office furniture (882 employees), Wilsonart, a manufacturer of laminated kitchen counter tops (804 employees), Continental-Tevis, a manufacturer of vehicle brake parts (575), and Borg-Warner, a manufacturer of automotive cooling devices for vehicle turbo chargers (495 employees).

(2) *Newspapers and Other Media.* Although the Town of Fletcher no longer has its own newspaper (*The Carolina Mountain Sun* recently went bankrupt), it is served by the *Asheville Times* and the *Hendersonville Times-News*. Both newspapers contain a weekly local page on news for the Town of Fletcher, which include articles on topics such as local government and politics, local high school sports, and local business and community news, and contains numerous advertisements from Fletcher businesses. In addition, a webpage is being maintained for the Town, <www.town-of-fletcher-nc.com>, that contains general information concerning Fletcher. By accessing this webpage, residents and visitors can obtain general information concerning the Town's government as well as listings for the local businesses, area parks, religious and civic organizations and some community events. Sample pages from the Town's website are attached as Exhibit B. The Town of Fletcher also publishes a monthly newsletter which is distributed in the mail to each resident and accessible on the Town's webpage.

(3) *Community Leaders and Residents Perceive Themselves as Separate From Asheville.* According to the Town's Fire Marshal and Zoning Administrator, Allan Corthell, residents of Fletcher perceive their community as being separate from the Asheville urbanized area. Indeed, the town was re-incorporated in 1989 to control growth and to prevent from being annexed

into Asheville. The Town has developed a Unified Development Ordinance which is designed to create distinct zoning districts for Asheville and preserve the suburban character of the Town. In addition, Fletcher and Asheville are located in different counties. Thus, the Town of Fletcher has its own unique identity and history that is separate from that of Asheville.

Fletcher is located in the Blue Ridge Mountains of western North Carolina, and lies between Asheville and Hendersonville. The town encompasses five square miles, and is 2112 feet above sea level. The Town of Fletcher was established in the mid-1850s when George Fletcher built a 2-room house. In 1879, the railroad came through the town, and a train station was built there. Fletcher became an incorporated in the 1970s and re-incorporated in June of 1989. *See Exhibit B.*

(4) *Fletcher Has Its Own Local Government and Elected Officials.*

Fletcher's town government functions independently of any other governmental units. It has a Mayor/Town Council form of government run by an elected Mayor and a 4-member elected Town Council. The mayor, currently William B. Moore, and the town council members, each serve a 2-year term. The Town of Fletcher also has a Town Manager who oversees all administrative functions of the town government, and handles the daily operations of the Town. Fletcher also has a number of town departments, boards, commissions and committees comprised of Town residents, such as Administration Department, Parks and Recreation Commission, Planning Board and Zoning Board of Adjustment. *See Exhibit B.*

(5) *The Town of Fletcher Has Its Own Zip Code and Separate*

Government Listings in the Telephone Directory. The Town of Fletcher has its own zip code, 28732. The U.S. Postal Service maintains a branch office in the Town of Fletcher to serve its residents. Telephone listings for the Town of Fletcher are listed in two telephone directories for the Arden-

Collins-Fletcher area. The Asheville telephone directory contains a separate section for Fletcher town government telephone listings.

(6) *Fletcher Has Numerous Commercial Establishments and Its Own Health Facilities.* There are over 140 businesses located within the Town of Fletcher, according to the Fletcher business listing. A substantial number of these businesses identify with the community by using “Fletcher” in their name, for example: Fletcher A-1 Tire, Inc., Fletcher Feeding Services Inc., Fletcher Motor Company Inc., Fletcher Plaza Barber Shop, Fletcher Cleaners, Fletcher Hair Design, Fletcher Lamp Post and Fletcher Insurance. *See Exhibit B.*

There are several health care providers are located in the Town of Fletcher. Parkridge Hospital, located just outside of the town limits of Fletcher, maintains a professional office building in Fletcher for town residents. Likewise, Pardee Hospital, located in Hendersonville, also maintains a professional office building in Fletcher for town residents. In each of those professional office buildings are numerous physicians and specialists that offer a wide range of health care services for the residents of Fletcher, including family practitioners, OB/GYN, pediatricians, dermatologists, general surgeons, podiatrists, mental health practitioners, orthopedics, dentists, chiropractors, optometrists, ophthalmologists, dermatologists, physical therapists and other professionals. Veterinary services may be obtained from Dr. Martin’s Veterinary Hospital.

Residents enjoy excellent recreation facilities and a broad range of programs. Surrounded by the Blue Ridge Mountains, the Town of Fletcher has two main parks, Fletcher Community Park and Kate’s Park. Fletcher Community park is a 60-acre park with two playgrounds, a 1.5-mile walking trail, soccer fields, T-ball fields, little league fields, concession stand with restrooms, picnic areas and a horse-shoe area. Kate’s Park also has two playgrounds, a paved walking trail, picnic tables, large grills and a covered pavilion. The Fletcher Parks and Recreation Department offers

various athletic, fitness and leisure activities for residents of all ages such as rafting, rock climbing, pottery and painting classes, bird watching, senior softball, little league sports and shopping trips. *See Exhibit B.* The Fletcher Parks and Recreation Department has a Teen Council comprised of teens ages 13-18 who plan special events for teens in the Town such as dances, rafting and camping trips and volunteer projects. *See Exhibit B.* Annual community activities in the Town of Fletcher include: Easter Egg Hunt, Concerts in the Park held at Kate's Park and a Christmas parade. Other attractions located in the Town of Fletcher are championship PGA golf courses and the Western North Carolina Agricultural Center and Fairgrounds, which features various horse shows, dog shows, rodeos, auto shows, motorcycle shows and boat shows throughout the year.

Fletcher is also home to many churches and religious organizations, such as Fletcher First Baptist Church, Fletcher First Methodist Church, Fletcher Russian Orthodox Church, Fletcher United Methodist Church and Calvary Episcopal Church to name a few. There are some civic and service organizations in Fletcher, including the Kiwanis Club of Fletcher, the Book Lovers Club, Rotary Club, and Boys and Girls Scouts.

(7) *Extent to which the community and the central city are part of the same advertising market.* Telephone listings for the Town of Fletcher are found in two telephone directories. These directories are published by Yellowbook U.S.A. and BellSouth. Both directories serve the Arden-Collins-Fletcher area (neither Arden nor Collins is an incorporated town). Businesses in Fletcher advertise in local newspapers which enable them to reach the residents of Fletcher and beyond. Advertising is also available through the local telephone directories and the Town of Fletcher's webpage and newsletter. Thus, the residents of Fletcher do not need to travel to Asheville to seek out other media sources in order to find out what is happening in their community.

(8) *Fletcher's Library and School System are Governed by Henderson County, but its Police and Fire Protection are Provided Independent of any other Jurisdiction.*

Reading materials are made available to the community at the Fletcher Branch Library. The Fletcher branch has the highest daily circulation of any branch in Henderson County, with more than 300 visitors a day. The Library offers many activities and special programs for the entire family, including weekly story hours for pre-schoolers and home schoolers, computer classes, summer reading and other special programs throughout the year. *See Exhibit B.*

The Town's education system is provided through Henderson County School System. The Town of Fletcher has one elementary school and another elementary school is under construction. Students at higher grades matriculate in Henderson County schools outside of Fletcher.

The Town provides many municipal services to its residents. The Fletcher Police Department employs 12 sworn full-time police officers and one part-time officer. Within this staff, there is a detective, sergeant, three corporals, four officers and a part-time sergeant of auxiliary. A civilian office assistant also works in the Police Department. The Fletcher Police Department has K-9 program, COPPS program, and FLETCHER IN TOUCH PROGRAM, which keeps the residents actively involved with police departmental work.

Fire and rescue services are contracted out by the Town to two departments. The Fletcher Fire and Rescue has 16 full-time firefighters and 23 volunteer firefighters. This department participates in the SAFE KIDS Campaign, a national program that encourages children and youth to seek assistance at neighborhood fire stations, and also provides Life Safety Education Program training courses for all residents. This department maintains two stations, one of which primarily serves the residents of Fletcher. The Mills River Fire and Rescue is an all-volunteer fire department with 48 volunteer firefighters. It has one station located just outside of the Town of Fletcher.

The Public Works Department provides sanitation services, including a recycling program for Town residents. This department also handles road maintenance, drainage, litter control, signage and building maintenance for Town facilities.

7. Should the Commission approve the reallocation of Channel 282A from Old Fort to Fletcher, North Carolina, Blue Dolphin will apply for the channel, and will construct the facility if authorized to do so.

II. SURGOINSVILLE, TENNESSEE AND AUGUSTA, GEORGIA

8. The reallocation of WQNQ from Old Fort to Fletcher eliminates preexisting short spacings to Stations WEYE, Surgoinsville, Tennessee, and WBBQ, Augusta, Georgia. Each of these short spacings can be corrected through minor relocations of those stations' transmitter sites. Although no changes to the FM Table of Allotments are necessary to effect these changes, the Commission can order a transmitter site change in connection with a proceeding to amend the FM Table of Allotments in other respects. *See, e.g., Cross Plains, Texas, et al.*, 15 FCC Rcd 5506, *recon. dismissed*, 15 FCC Rcd 8990 (2000).

9. As Exhibit A demonstrates, WEYE can be relocated by 5.6 kilometers and continue to serve Surgoinsville in compliance with the Commission's rules. *See Figures 4 & 5.*² The licensee of WEYE has furnished a statement consenting to the transmitter site relocation. *See Exhibit C.* Petitioners hereby state that they will reimburse the licensee of WEYE for its expenses incurred in connection with the relocation, and have entered into a reimbursement agreement with the licensee to do so. Similarly, WBBQ can be relocated by 5.5 kilometers and continue to serve Augusta in

2. Station WEYE has a construction permit for a new transmitter site that does not eliminate the short spacing to the WQNQ proposal. However, the licensee of WEYE has agreed to relocate its site to the extent necessary to become compliant with the Commission's spacing rules. *See Exhibit C.*

compliance with the Commission's rules. *See* Exhibit A, Figures 7 & 8. Clear Channel, the licensee of WBBQ and one of the Petitioners, hereby consents to the transmitter site relocation. Clear Channel will file an application, consistent with the Commission's spacing rules, should the Petition be granted, and if authorized will construct the facilities. Gain-loss studies for both of these relocations are provided. *See* Exhibit A, Figures 6, 9, and Technical Narrative.

III. WKSF, ASHEVILLE/OLD FORT, NORTH CAROLINA

10. In order to provide a replacement service for Station WQNQ at Old Fort, North Carolina, Capstar (one of the petitioners herein), licensee of WKSF, Asheville, North Carolina, has agreed to change that station's community of license to Old Fort, North Carolina. No changes to the currently licensed facilities of WKSF are necessary, since the station currently places a 70 dBu contour over all of Old Fort. *See* Exhibit A, Figures 10 & 11. The channel spacing study, Figure 10, reveals that WKSF is currently short-spaced to two stations: WNNX, Atlanta, Georgia, and WRFX, Kannapolis, North Carolina. However, these preexisting short spacings were not caused by WKSF. In each case, the short spacing predates the Commission's spacing rules, and is thus "grandfathered" pursuant to Section 73.213 of the rules. The Commission allows a station to change its community of license despite the presence of "grandfathered" short spacings and those permitted under Section 73.215 of the rules. In *Kankakee and Park Forest, Illinois*, DA 01-700 (rel. Mar 23, 2001) the Commission ordered the reallocation of WRZA from Kankakee to Park Forest in the presence of eight preexisting short spacings -- six "grandfathered" short spacings and two under Section 73.215. *See also Newnan and Peachtree City, Georgia*, 7 FCC Rcd 6307 (1992) ("grandfathered" short spacing); *Killeen and Cedar Park, Texas*, 13 FCC Rcd 18790 (1998) (Section 73.215 short spacing). Just as in those cases, WKSF should have the same opportunity to change

community of license as any other station that was in compliance with the Commission's spacing rules when initially authorized.

11. The proposal to reallocate WKSX from Asheville to Old Fort meets the Commission's policies set forth in *Community of License*. First, the use of Channel 260C at Asheville conflicts with its use at Old Fort. Second, the proposal to place this station in Old Fort will avoid the loss of Old Fort's only local service. Old Fort is not located in any Urbanized Area, and even though the station will place a 70 dBu contour over 100 percent of the Asheville Urbanized Area, no Tuck showing is necessary, because the station is maintaining its existing coverage and not relocating into an Urbanized Area. *See Kankakee and Park Forest, Illinois*, DA 01-700 (rel, Mar. 23, 2001). Since there is no change in transmitter site, there is no gain or loss area. Moreover, with no change in site, there will be no delay in replacing service at Old Fort once the Fletcher station is ready to commence service. *See Dayton, Incline Village, and Reno, Nevada*, 15 FCC Rcd 22461 (2000).

IV. CONCLUSION

The allotment of Channel 282A to Fletcher, North Carolina is in the public interest because Fletcher will receive a first local service and an additional 122,175 people will receive radio service. The residents of the Old Fort area will continue to be served by numerous radio stations, and Old Fort itself will retain local service.

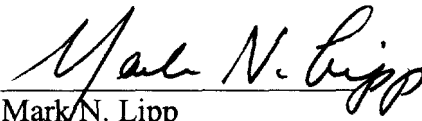
The following table summarizes the changes requested in this Petition.

<u>City</u>	<u>Channel</u>	
	<u>Existing</u>	<u>Proposed</u>
Asheville, North Carolina	260C	-----
Old Fort, North Carolina	282A	260C
Fletcher, North Carolina	-----	282A

Respectfully Submitted,

BLUE DOLPHIN COMMUNICATIONS OF NC, INC.
CLEAR CHANNEL BROADCASTING LICENSES, INC.
CAPSTAR TX LIMITED PARTNERSHIP

By:



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Their Counsel

May 22, 2001

EXHIBIT A

Technical Narrative and Guide to Exhibits Proposed Reallotment of WQNQ 282A From Old Fort, NC to Fletcher, NC

Introduction: It is proposed by this petition that station WQNQ-FM, 282A, Old Fort, NC be moved and reallotted to permit service to the community of Fletcher, NC. The reference coordinates for the reallotment are: 35 degrees 32 minutes 28 seconds North Latitude by 82 degrees 32 minutes 32 seconds West Longitude. Throughout this document these and other geographic coordinates will be abbreviated in the form 35-32-28 N 82-32-32 W for brevity and clarity.

The reallotment, if granted, will result in a new first local aural service for Fletcher, NC and generally increase the number of individuals served by the interference free signal of WQNQ. The allotment requires a site restriction in order to protect station WEYE 282A Surgoinsville, TN.

Presently, WQNQ is short spaced to two other stations. Please refer to the "282A WQNQ Spacing Study at Present Site." These short spacings can be eliminated and WQNQ can be reallotted in full compliance with 47 CFR §73.207 at the proposed coordinates with slight changes to the facilities of these two other FM stations. Please refer to the "282A Fletcher, NC Spacing Study" exhibit attached. As can be seen from the exhibit, the two stations requiring changes are WEYE, 282A Surgoinsville, TN and WBBQ, 282C Augusta, GA. Those changes will be detailed later in this document.

WQNQ, at the new proposed location, provides city grade service over 100% of the community of Fletcher, NC in compliance with 47 CFR §73.315. Please refer to the "282A Fletcher, NC Hypothetical 70 dBu Contour" map exhibit attached. The dark gray area in the lower center of the map is a U. S. Census Tiger Map outline of the community boundaries of Fletcher, NC.

WEYE 282A Surgoinsville, TN Changes: The reallotment of WQNQ to Fletcher, NC requires station WEYE to move northeast a distance of 5.6 KM from the present licensed site. While WEYE-FM is presently short spaced, this change in reference coordinates is fully compliant with 47 CFR §73.207. Please refer to the "282A Surgoinsville, TN Spacing Study" exhibit accompanying this document. The site, located at 36-33-11 North Latitude and 82-51-23 West Longitude, enjoys line of sight to all of Surgoinsville and is compliant with 47 CFR §73.315 as 100% of the city is within the hypothetical 70 dBu contour. Please refer to the "282A Surgoinsville, TN Hypothetical 70 dBu Contour" map exhibit accompanying this document. The community boundaries of Surgoinsville are shown based on U.S. Census Tiger map imaging in the lower right quadrant of the map.

The proposed move of WEYE will result in a net gain of 26,902 persons within the hypothetical interference free contour of WEYE.

Technical Narrative, continued

WBBQ 282C Augusta, GA Changes: In moving WQNQ south to eliminate the existing short spacing and minimize the impact on the coverage of WEYE, WQNQ aggravates the existing short spacing to WBBQ-FM 282C Augusta, GA. WBBQ can restore spacing compliant with 47 CFR §73.207 by moving to 33-34-24 North Latitude and 81-54-17 West Longitude. This site is fully spaced to all other facilities. Please refer to the "282C Augusta, GA Spacing Study" exhibit attached to this document. This proposed site also complies with 47 CFR §73.315 as 100% of the community of Augusta, GA is within the hypothetical 70 dBu contour of WBBQ at this new site. Please refer to the "282C Augusta, GA 70 dBu Hypothetical Contour" map exhibit attached to this document. The community boundaries of Augusta, GA are depicted in gray and are taken from U.S. Census Tiger map imaging.

The proposed move of WBBQ will result in a net gain of 12,451 persons within the hypothetical interference free contour of WBBQ.

WKSF replaces WQNQ as Aural Service to Old Fort, NC: There is a reasonable expectation of continuing service by the residents of Old Fort, NC. In the absence of WQNQ, as part of this petition WKSF seeks reallocation to Old Fort, NC and to provide the required local service. WKSF is compliant with 47 CFR §73.315 as 100% of the community of Old Fort, NC is within the hypothetical 70 dBu contour of WKSF from its current site. Please refer to the "260C Old Fort, NC Hypothetical 70 dBu Contour" map exhibit that accompanies this document. Additionally, analysis of individual radials along the bearings from the WKSF site towards Old Fort demonstrate city-grade coverage well beyond the boundaries of Old Fort.

The site specified for WKSF is not fully spaced within the meaning of 47 CFR §73.207. There are two facilities that are shortspaced to WKSF. They are WRFX 259C1 Kannapolis, NC and WNNX 259C Atlanta, GA. These appear to be spacing anomalies that predate the present 47 CFR §73.207 requirements since these are not facilities that would be licensed in the present rules environment. In any event, no new site is required for WKSF. The existing site is licensed and operating and the existing facility complies in all other respects as to providing city-grade service to Old Fort, NC. Additionally, since no facility change is required for WKSF, there is no issue as to gain or loss of service or population within the interference free contours.

Technical Narrative, continued

WQNQ Gain Area: The proposed reallocation and move of WQNQ from Old Fort, NC to Fletcher, NC will result in an additional FM reception service for those individuals residing in the "Gain Area." Please refer to the "Remaining Services Study" map exhibit.

A total of 101,931 persons and 45,324 households, based on the 1990 U.S. Census, will benefit from an additional reception service if the requested reallocation is granted. This total breaks down by County as follows: 52,274 persons / 21,584 households in Buncombe County, NC; 30,565 persons / 18,506 households in Henderson County, NC; 1,798 persons / 766 households in Madison County, NC; 8,793 persons / 4,257 households in Haywood county; 501 persons / 211 households in Transylvania County.

WQNQ Loss Area: The proposed reallocation and attendant move of WQNQ will create a "Loss Area" of 1,295 square kilometers. The 1990 U.S. Census reports that 28,050 persons live within the "Loss Area." Please refer to the "Remaining Services Study" map exhibit.

Remaining Services: The "Loss Area" and the population living therein remains well served, even without the WQNQ signal. The interference free contours of stations WKSF-FM (260C Asheville, NC), WSPA-FM (255C Spartanburg, SC), WTPT-FM (227C Forest City, NC), WMIT-FM (295C Black Mountain, NC) and WAGI-FM (287C Gaffney, SC) completely encompass the "Loss Area." Thus 100% of the "Loss Area" receives at least 5 interference free full time signals. As such, the "Loss Area" remains well served, even without WQNQ-FM.

Conclusion: This reallocation request, if adopted, will provide a first aural service to Fletcher, NC without depriving Old Fort, NC of local aural service, since the more powerful WKSF will serve Old Fort. The reallocation of WKSF requires no site or facility change.

Additionally, none of the individual proposed changes results in a reduction of the total persons in the interference-free contours for any of the stations. Taking into account the 1990 U. S. Census populations within the "Gain Area" and "Loss Area" of each of the involved stations, for the proposal as a whole a net gain of 122,175 persons will receive interference free service if the reallocation request is adopted.

Finally, three pre-existing short spacings would be eliminated by adoption and implementation of the reallocation request.

Affidavit and Qualifications of Technical Consultant


State of Illinois)
Community of Forest Lake) ss:
County of Lake)

Frank G. McCoy, being duly sworn, deposes and says that he is an employee of American Media Services which firm has been engaged to provide technical and other consulting in connection with the preparation of the attached.

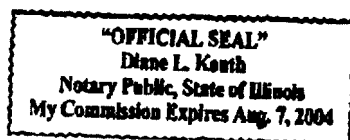
He attended Illinois Institute of Technology in Chicago and has been active in broadcast engineering for over 25 years as an employee of and consultant to numerous FCC licensees.

The attached *Technical Narrative* and the associated exhibits were either prepared by him or under his direction and are believed to be true and correct.

Dated: May 18, 2001



Frank G. McCoy
Affiant



Seal



05-14-2001

Frank McCoy

PAGE 1

FM Study for: WQNO FCC Database Date: 4/26/2001 35-32-28
 Location: **FLETCHER, NC** Channel Class: **A** 82-32-32
 [*] by HAAT indicates calculated as missing in database.
 [^] by HAAT indicates value taken from 1999 VAX file.

Call	City, State	Chan Class	Freq	kW	Latitude	Dist.	Required
Status	Proponent	File Number	HAAT	Longitude	Azm.	Clear (km)	

>>>>>>> Study For **Channel 282** 104.3 mHz <<<<<<<<

WQNO	OLD FORT, NC	282 A	104.3	.550+	35-35-29	23.4	115
LIC	Facility No. 71341	BLH-990201KA	318^		82-17-29	76.1	-91.6 SHORT
				Use of 73.215 for short spacing requires:		92	-68.6 SHORT

Note: Existing licensed facility of WQNO-FM

WEYE	SURGOINSVILLE, TN	282 A	104.3	4.40	36-27-02	106.9	115
LIC	Facility No. 73872	BLH-930202KA	116^		82-56-06	340.8	-8.1 SHORT
				Use of 73.215 for short spacing requires:		92	+14.9 CLOSE

Note: Existing licensed facility of WEYE-FM

WBBQFM	AUGUSTA, GA	282 C	104.3	100.	33-36-42	221.0	226
LIC	Facility No. 59249	BLH-830216AJ	305^		81-56-30	165.4	-5.0 SHORT
				Use of 73.215 for short spacing requires:		203	+18.0 CLEAR

Note: Existing licensed facility of WBBQ-FM

WEYE	SURGOINSVILLE, TN	282 A	104.3	2.85	36-32-05	112.6	115
CP	Facility No. 73872	BPH-010202ABE	147		82-47-52	348.3	-2.4 SHORT
				Use of 73.215 for short spacing requires:		92	+20.6 CLEAR

Note: Existing Construction Permit for a minor modification to WEYE-FM

WBBQFM	AUGUSTA, GA	282 C	104.3	100.	33-34-24	226.0	226
ADD	Facility No. 59249	BLH-830216AJ	305^		81-54-17	164.8	+0.0 CLOSE

Note: Proposed new allotment reference site for WBBQ-FM

WEYE	SURGOINSVILLE, TN	282 A	104.3		36-33-11	115.8	115
ADD	Facility No. 73872	BPH-010202ABE			82-51-23	345.9	+0.8 CLOSE

Note: Proposed new allotment reference site for WEYE-FM

WQNS	WAYNESVILLE, NC	285 A	104.9	.245	35-34-07	33.3	31
LIC	Facility No. 41008	BLH-950927KB	482^		82-54-27	275.4	+2.3 CLOSE

WHLC	HIGHLANDS, NC	283 A	104.5	.460	35-03-40	79.1	72
LIC	Facility No. 10351	BLH-990302KF	353^		83-11-05	227.8	+7.1 CLOSE

282A
Fletcher, NC
Spacing Study

Allotment
Coordinates
35-32-28 North
82-32-32 West

Figure 1A

05-14-2001

Frank McCoy

PAGE 2

FM Study for: WQNO

FCC Database Date: 4/26/2001

35-32-28

Location: **FLETCHER, NC**

Channel Class: **A**

82-32-32

[*] by HAAT indicates calculated as missing in database.

[^] by HAAT indicates value taken from 1999 VAX file.

Call City, State

Chan Class Freq kW

Latitude Dist.

Required

Status Proponent

File Number HAAT

Longitude Azm.

Clear (km)

>>>>>>> Study For **Channel 282** 104.3 MHz <<<<<<<

WFBC-A GREENVILLE, SC	229 C	93.7	1.70	35-10-11	47.1	29	
CP Facility No. 34390	BXPH-000627AHC	55*		82-17-28	150.9	+18.1	CLEAR
WFBCFM GREENVILLE, SC	229 C	93.7	100.	35-06-40	48.0	29	
LIC Facility No. 34390	BLH-6444		600^	82-36-17	186.8	+19.0	CLEAR
WRBN CLAYTON, GA	281 A	104.1	.370	34-54-24	106.2	72	
LIC Facility No. 56201	BLH-990401KA	395^		83-24-56	228.7	+34.2	CLEAR
WXIS ERWIN, TN	280 A	103.9	2.45	36-08-15	67.7	31	
LIC Facility No. 71481	BLH-850610KJ	100^		82-23-00	12.2	+36.7	CLEAR

**282A
Fletcher, NC
Spacing Study**

**Allotment
Coordinates
35-32-28 North
82-32-32 West**

05-18-2001

Frank McCoy

PAGE 1

FM Study for: WQNQ FCC Database Date: 4/26/2001 35-35-29
 Location: OLD FORT, NC Channel Class: A 82-17-29
 [*] by HAAT indicates calculated as missing in database.
 [^] by HAAT indicates value taken from 1999 VAX file.
 Call City, State Chan Class Freq kW Latitude Dist. Required
 Status Proponent File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 282 104.3 mHz <<<<<<<<

WQNQ	OLD FORT, NC	282 A	104.3	.550+	35-35-29	0.0	115	
LIC	Facility No. 71341	BLH-990201KA	318^		82-17-29	0.0	-115.0	SHORT
WBBQFM	AUGUSTA, GA	282 C	104.3	100.	33-36-42	221.9	226	
LIC	Facility No. 59249	BLH-830216AJ	305^		81-56-30	171.6	-4.1	SHORT
	Use of 73.215 for short spacing requires:						203	+18.9 CLEAR
WEYE	SURGOINSVILLE, TN	282 A	104.3	4.40	36-27-02	111.6	115	
LIC	Facility No. 73872	BLH-930202KA	116^		82-56-06	328.9	-3.4	SHORT
	Use of 73.215 for short spacing requires:						92	+19.6 CLEAR
WEYE	SURGOINSVILLE, TN	282 A	104.3	2.85	36-32-05	114.18	115	
CP	Facility No. 73872	BPH-010202ABE	147		82-47-52	336.6	-0.82	SHORT
	Use of 73.215 for short spacing requires:						92	+22.2 CLEAR
WFBC-A	GREENVILLE, SC	229 C	93.7	1.70	35-10-11	46.8	29	
CP	Facility No. 34390	BXPH-000627AHC	55*		82-17-28	180.0	+17.8	CLEAR
WQNS	WAYNESVILLE, NC	285 A	104.9	.245	35-34-07	55.9	31	
LIC	Facility No. 41008	BLH-950927KB	482^		82-54-27	267.6	+24.9	CLEAR
WHLC	HIGHLANDS, NC	283 A	104.5	.460	35-03-40	100.3	72	
LIC	Facility No. 10351	BLH-990302KF	353^		83-11-05	234.3	+28.3	CLEAR
WTQR	WINSTON-SALEM, NC	281 C	104.1	100.	36-22-28	193.4	165	
LIC	Facility No. 58392	BLH-960111KD	443^		80-22-31	62.7	+28.4	CLEAR
WXIS	ERWIN, TN	280 A	103.9	2.45	36-08-15	61.2	31	
LIC	Facility No. 71481	BLH-850610KJ	100^		82-23-00	352.2	+30.2	CLEAR
WFBCFM	GREENVILLE, SC	229 C	93.7	100.	35-06-40	60.4	29	
LIC	Facility No. 34390	BLH-6444	600^		82-36-17	208.2	+31.4	CLEAR

282A
WQNQ Spacing Study
at Present Site

Site
Coordinates
35-35-29 North
82-17-29 West

Figure 1B

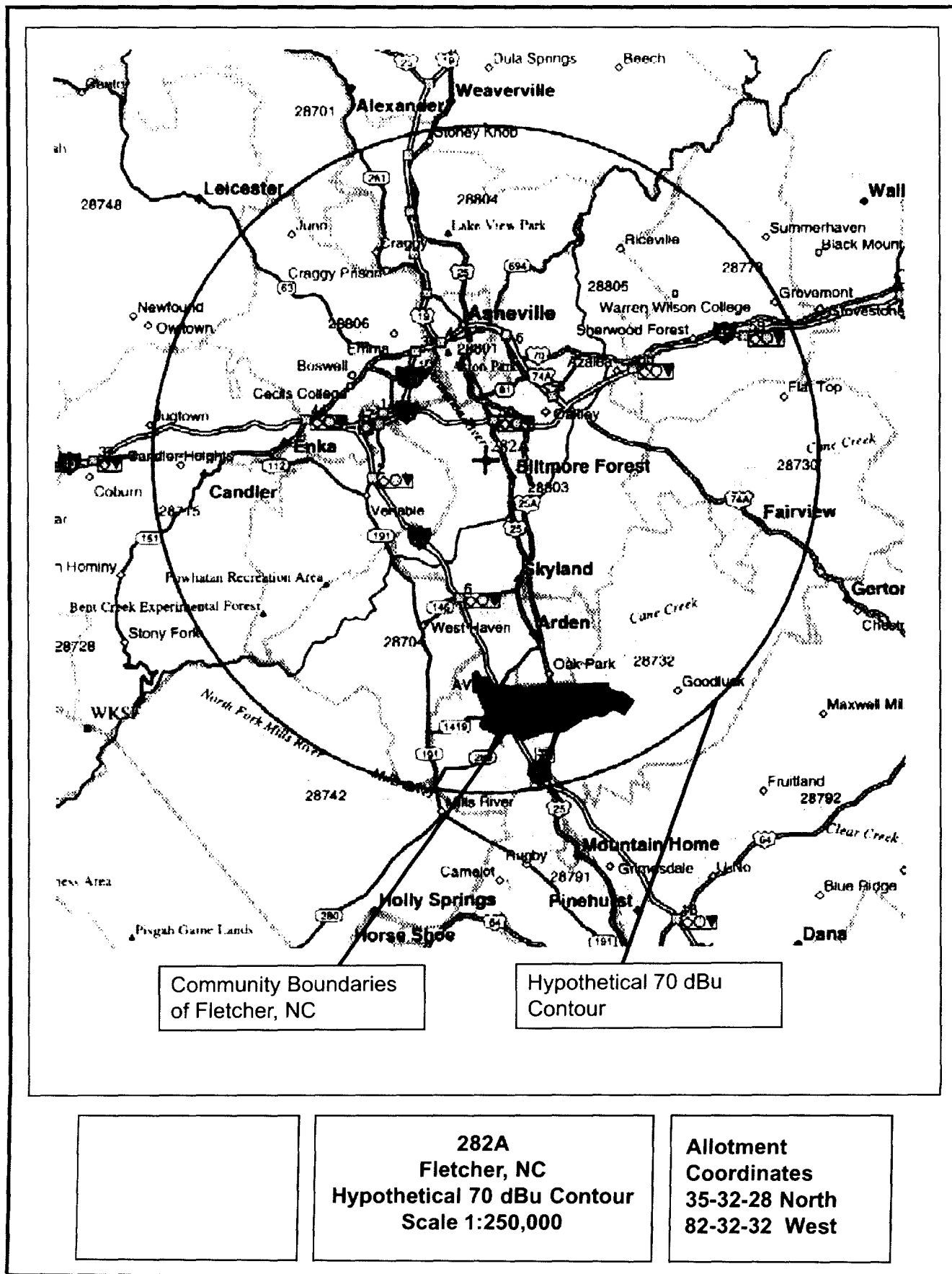


Figure 2